

Appl. No. 09/815,373
Amdt. dated June 29, 2004
Reply to Office Action of March 29, 2004

Remarks

The present amendment responds to the Official Action dated March 29, 2004. The Official Action rejected claims 1-4, 8-10 and 14 under 35 U.S.C. 102(e) based on Heinonen U.S. Patent No. 6,418,326 ("Heinonen"). The Official Action rejected claims 5 and 11 under 35 U.S.C. 103(a) based on Heinonen in view of Ritter U.S. Patent No. 6,657,538 ("Ritter"). The Official Action rejected claims 6, 7, 12 and 13 under 35 U.S.C. 103(a) based on Heinonen in view of Davis U.S. Patent No. 6,314,519 ("Davis"). The Official Action rejected claim 15 under 35 U.S.C. 103(a) based on Davis in view of Freeny U.S. Patent No. 6,490,443 ("Freeny"). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context. Claims 1, 4, 5, 10, 11 and 15 have been amended to be more clear and distinct. Claims 1-15 are presently pending.

The Present Invention

A device according to an aspect of the present invention comprises a portable communications device that can receive and store a currency value associated with a user. The device suitably collects identification information from the user and requests a currency value from an issuer. The device may suitably store the currency value in association with the user identification information in order to allow the currency value to be used in a transaction, with identification and authentication of the user for the transaction being performed by the communication device without a need to contact a remote device. When the device is to be used for a transaction, user identification information is collected and used to identify currency value information associated with the user, in order to make the currency value available to the user for

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a transaction. The user information may suitably come in the form of biometric identification information, and the association of a currency value with a user may suitably take the form of performing encryption of the currency value with the encryption depending at least in part on the biometric information.

The Art Rejections

As addressed in greater detail below, Heinonen, Ritter, Davis and Freeny do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of the cited references made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-4, 8-10 and 14 under 35 U.S.C. 102(e) as anticipated by Heinonen. In light of the present amendments to claims 1, 4 and 10, this ground of rejection is respectfully traversed.

Claim 1, as amended, claims identifying a user via a portable communications device using the portable communications device for a local authentication and identification of the user without a need for a remote connection to carry out the authentication and identification, identifying a currency value associated with the user; and making the currency value associated with the identified user accessible to the identified user for use in a transaction.

These features are not taught by Heinonen. Heinonen teaches authentication of a user who is identified in other ways. For example, Heinonen teaches receiving a personal identification number from a user in order to confirm that the user is authorized to gain access to

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financial information, such as an account. The user is not strictly identified by the personal identification number. Instead, the user is identified by the account information such as an account number, and the personal information is used as an authenticator. The user may store information such as a currency value in a portable device, but the information is not strictly associated with a particular user, and a transaction that is confirmed and conducted locally using the device does not depend on identification of the user. Instead, the transaction depends on the presence in the device of stored value information, and receiving an authenticator, such as a personal identification number, that confirms the user's authority to gain access to the stored value information. The stored value information is not strictly associated with a particular user, but is instead simply associated with the communications device.

Claim 1, by contrast, provides for identification of a specific user. Identification of a specific user allows for greater convenience than does Heinonen, because it allows for an easy way for one device to be used to obtain and store currency value information for more than one authorized user, with the currency value information for each user being protected from other users. In addition, gaining access to currency value information can be somewhat simplified, because it requires only the identification information identifying the user. The identification information can then be used to search for currency value associated with the user. Heinonen, by contrast, would typically require that identification information be supplied, followed or accompanied by authentication information. Heinonen's identification information might take the form of identification of an account or collection of accounts with a particular communication device, by a user input of account information, or some other form, but it would

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not be so simple as identification of a particular user. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claim 4, as amended, claims user identification means for identifying a user without a need for a remote connection to carry out the authentication and identification and data processing means for responding to user instructions, the data processing means being operative to identify a currency value associated with the user and make the currency value associated with the identified user accessible to the identified user for use in a transaction. As noted above with respect to claim 1, Heinonen does not teach these features. Claim 4, as amended, therefore defines over the cited art and should be allowed.

Claim 10, as amended, claims user identification means for identifying a user without a need for a remote connection to carry out the authentication and identification and data processing means for responding to user instructions, the data processing means being operative to identify a currency value associated with the user and make the currency value associated with the identified user accessible to the identified user for use in a transaction. As noted above with respect to claim 1, Heinonen does not teach these features. Claim 10, as amended, therefore defines over the cited art and should be allowed.

The Official Action rejected claims 5 and 11 under 35 U.S.C. 103(a) as unpatentable over Heinonen in view of Ritter. Claims 5 and 11 are dependent claims depending on claims 4 and 10, respectively. Because claims 5 and 11 depend on claims that have been shown to be allowable, these claims should also be allowed.

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The Official Action rejected claims 6, 7, 12 and 13 under 35 U.S.C. 103(a) as unpatentable over Heinonen in view of Davis. Claims 6 and 7 are dependent claims having claim 4 as a base claim, and claims 12 and 13 are dependent claims having claim 10 as a base claim. Because claims 6, 7, 12 and 13 depend on claims that have been shown to be allowable, these claims should also be allowed.

The Official Action rejected claim 15 under 35 U.S.C. 103(a) as unpatentable over Davis in view of Freeny. In light of the present amendment to claim 15, this ground of rejection is respectfully traversed.

Claim 15, as amended, claims obtaining a biometrics identifier from a user, obtaining a certified currency value from an issuer and encrypting the certified currency value in a manner dependent at least in part on the biometrics identifier so that encryption and decryption of the certified currency value employs information contained in the biometrics identifier. These features are not taught by Davis, Freeny or a combination thereof. Davis teaches obtaining identification code from a user and using the identification code to authenticate a request for a transaction. Davis teaches using encryption to secure information stored in a Smart Card. Davis does not teach that the identification code obtained from the user is employed to encrypt information to be stored on the Smart Card.

Combining Freeny with Davis does not achieve the invention, as claimed by claim 15, as amended. Freeny teaches the use of biometric information to perform authentication, which is used to grant or deny access. Freeny uses biometric information. Biometric data provided by a user is used in generating a request authorization code and encryption calculations are made

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using the biometric data provided by the user to calculate a first number. Encryption calculations are also performed on stored biometric information to calculate a second number. The two numbers are compared and access is denied if the two calculated numbers differ by more than a predetermined amount. See Freeny, col. 40 lines 1-26. Freeny does not teach encrypting value information using biometric information obtained from a user such that encryption and decryption of the value information employs information contained in the biometric information.

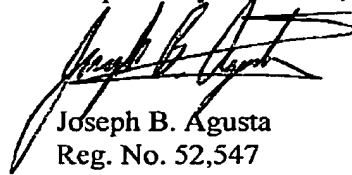
Davis does not teach that the identification code obtained from the user is employed in encrypting value information. Using biometric information obtained from a user in encryption of a certified currency value, as claimed by claim 15, simplifies the process of granting access to the currency value. It is not necessary to store recorded biometric information or to perform any comparison in order to allow access to the currency value. Instead, if biometric information from a user is employed in encrypting and decrypting the currency value, a user who wishes to obtain access to the currency value may simply be directed to provide biometric information which is then used in an attempt to decrypt the currency value. If the biometric information is incorrect, the attempt at decryption will fail. Thus, access to the currency value is protected without a need to store biometric information or to make comparisons using previously stored and currently presented biometric information. Claim 15, as amended, therefore defines over the cited art and should be allowed.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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